

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LISA TIFFT, *et al.*,

Plaintiffs,

-against-

1:16-cv-0292 (BKS/TWD)

SAINT-GOBAIN PERFORMANCE
PLASTICS CORP., *et al.*,

Defendants.

MARILYN BAKER, *et al.*,

Plaintiffs,

-against-

1:16-cv-0220 (LEK/DJS)

SAINT-GOBAIN PERFORMANCE
PLASTICS CORP., *et al.*,

Defendants.

ORDER

On March 16, 2016, Plaintiffs Lisa Tift and Marilyn Peckham (“Plaintiffs”) filed a Notice of Related Cases as directed by General Order 12(G), alleging that their action, Tift v. Saint-Gobain Performance Plastics Corp., No. 16-cv-292 (BKS/TWD), may be related to Baker v. Saint-Gobain Performance Plastics Corp., No. 16-cv-220 (LEK/DJS). No. 16-cv-292, Dkt. No. 4 (“Notice”).

Pursuant to General Order 12(G)(2), cases are “related” where, “because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning the cases to the same Judge and Magistrate Judge.” The mere involvement of similar legal issues or the same parties, however, does

not render civil cases “related.” General Order 12(G)(3). Unless both cases are presently pending before the court, a presumption of non-relation exists. See General Order 12(G)(4).

Plaintiffs commenced this action on March 10, 2016, alleging that Defendants caused perfluorooctanoic acid (“PFOA”) to contaminate their water supply. See No. 16-cv-292, Dkt. No. 1. On behalf of a property damage class, Plaintiffs assert negligence, strict liability, private nuisance, and trespass claims, and on behalf of a personal injury class, they assert negligence, strict liability, private nuisance, and battery claims. Id. Plaintiffs seek both injunctive relief and damages. Id. Plaintiffs Michele Baker, Angela Corbett, Daniel Schuttig, and Michelle O’Leary¹ (the “Baker plaintiffs”) commenced their action on February 24, 2016, alleging the same facts and asserting the same property damage claims on behalf of two property damage subclasses. See No. 16-cv-220, Dkt. No. 1. The Baker plaintiffs also seek monetary damages and injunctive relief. Id. Plaintiffs state that all parties agree that the cases are related. Notice at 2.

After reviewing the submissions in the two cases, the Court finds that the cases are related as defined under General Order 12(G)(2). Not only are the named Defendants the same in each case, but the cases both arise out of the same common nucleus of operative fact. The majority of the claims between the two cases overlap, and the likely class members in the two suits are almost certain to overlap as well. There appears to be no inherent conflict between the named Plaintiffs in either action. Given the judicial resources likely to be conserved by consolidating the two actions, all of the relevant factors favor deeming these nearly identical cases related.

Accordingly, it is hereby:

¹ On February 26, 2016, Baker, Corbett, and Schuttig filed an amended complaint as of right that removed O’Leary as a plaintiff. No. 16-cv-220, Dkt. No. 6.

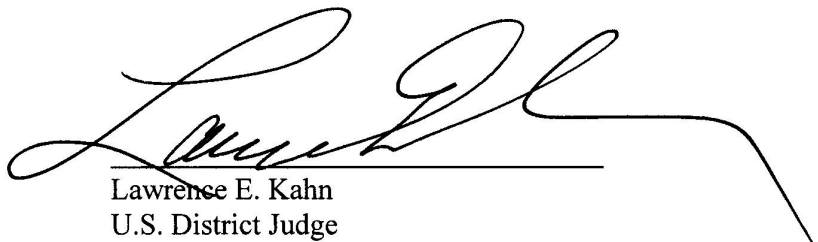
ORDERED, that these two actions are considered **RELATED**; and it is further

ORDERED, that the above actions shall each be assigned before U.S. District Judge Lawrence E. Kahn and U.S. Magistrate Judge Daniel J. Stewart; and it is further

ORDERED, that this Order be docketed in each of the above cases and the Clerk of the Court provide a copy of this Order on all parties in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: March 18, 2016
Albany, New York



Lawrence E. Kahn
U.S. District Judge